

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABDUL NEVAREZ, et al.,

Plaintiffs,

v.

FORTY NINERS FOOTBALL COMPANY,
LLC, et al.,

Defendants.

Case No.16-cv-07013-LHK (SVK)

**ORDER REGARDING MARCH 1, 2018
JOINT DISCOVERY LETTER BRIEF**

Re: Dkt. No. 125

Pending before the Court is the parties' Joint Discovery Letter, filed March 1, 2018, regarding Plaintiffs' request that Defendants designate and produce witnesses by a date certain in response to Plaintiffs' notices pursuant to Fed. R. Civ. P. 30(b)(6). ECF 125.

On February 2, 2018, Plaintiffs served a Fed. R. Civ. P. 30(b)(6) notice on Defendants Forty Niners Football Company LLC, Forty Niners SC Stadium Company LLC, and Forty Niners Stadium Management Company LLC ("the Forty Niner Defendants") requesting the deposition of corporate designee(s) on fourteen topics. ECF 125 at 1. On February 15, 2018, Plaintiffs served a Fed. R. Civ. P. 30(b)(6) notice on Defendants City of Santa Clara and Santa Clara Stadium Authority ("the Santa Clara Defendants"), requesting the deposition of corporate designee(s) on twelve topics. ECF 125 at 2. Plaintiffs seek these depositions in preparation for their Motion for Class Certification, due April 6, 2018. ECF 123 at 2; ECF 125 at 1.

The parties' respective meet and confer summaries demonstrate a certain lack of diligence on both sides, with more than a week passing between communications along with cross-allegations of failures to ask for, respond to, or otherwise confirm deposition dates. However, considering that the notices have been outstanding for more than thirty and fifteen days respectively, and in light of the impending deadline to file for class certification, the suggestion

that this motion to set deposition dates is premature is not well founded.¹ Balancing the parties' conduct to date, the case schedule, and issues of witness availability, the Court orders as follows:

1. As to the Forty Niner Defendants, the parties have agreed to depositions on March 14, 2018 (for Topic 5) and March 16, 2018 (for Topics 6-9). ECF 125 at 3. The only dispute raised by the letter relates to the deposition date for the witness for Topics 1-4, who is apparently out of the country from March 8, 2018 – March 23, 2018. ECF 125 at 3. Defense counsel has proposed March 28, 2018, as the first date that both she and the witness are available, without further explanation. ECF 125 at 6. **The witness for the Forty Niner Defendants on Topics 1-4 shall be produced for deposition either prior to March 8, 2018 OR on Monday, March 26, 2018. Defendants may choose on which date in this time frame the witness will be made available.**
2. As to the Santa Clara Defendants, **the depositions will go forward during the weeks of March 12, 2018, and March 19, 2018, to be concluded no later than March 23, 2018, two weeks before the class certification briefing is due.**

SO ORDERED.

Dated: March 5, 2018


SUSAN VAN KEULEN
United States Magistrate Judge

¹ The Defendants complain generally about scope of 30(b)(6) topics as a reason for not yet confirming dates. However, no specific issue as to scope has been properly brought to the Court for adjudication.